

Subject: Consultation re: Motion to Compel production of documents named in Exhibit A to Plaintiff's deposition notice  
Date: Friday, March 24, 2006 1:10 PM  
From: John Hershberger <john@hershbergerprice.com>  
To: "Jim Newsom, III" <jnewsom@harrisshelton.com>

Jim,

I received your objections to the Notice for Plaintiff's deposition. I do not agree with you regarding the production of documents for the deposition. First, this deposition is not "directed more at documents than testimony," as Mr. Ozrail is the Plaintiff and likely the main source of proof in this case. Second, Mr. Ozrail is the only named Plaintiff, who has the burden of producing proof to support his claims, and I find it hard to believe that your single legal citation from a Massachusetts District Court is related to the same type of deponent.

I called your office about 15 minutes ago to discuss your response prior to filing a Motion to Compel. As the deposition is set for Tuesday morning, I will likely call Judge Vescovo's secretary to see if the Judge is available for a conference regarding this matter, either this afternoon or next Monday. I will let you know the substance of the conversation when I call.

Please feel free to contact me about this. I will be in the office most of this afternoon. If I am not in, please try my cell phone.

Thanks,

John

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